



RULE-MAKING ORDER

CR-103E (May 2009)
(Implements RCW 34.05.360)

Agency:

Emergency Rule Only

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes

☒ No

If Yes, explain:

Purpose: RCW 69.07.103 directs the department to adopt requirements for a temporary permit for the slaughter, preparation and sale of 1,000 or fewer whole, raw pastured chickens. The 2009 Legislature amended that section (SSB 5350) and expanded coverage to include poultry and the option of a one-year or two-year special permit. Due to the changes in the statute, the department must amend its rules under chapter 16-170 WAC for implementation of the expanded program.

Citation of existing rules affected by this order:

Repealed: WAC 16-170-040

Amended: WAC 16-170-010 through 16-170-037; and WAC 16-170-050 through 16-170-180

Suspended:

Statutory authority for adoption: RCW 69.07.103

Other authority : 69.07 and 34.05 RCW, chapter 114, Laws of 2009

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- ☐ That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The legislative changes became effective July 26, 2009. In order to ensure a smooth implementation of the expanded provisions while continuing to safeguard the consuming public's food, this emergency is necessary to cover the period between the effective date of the legislative changes and the effective date of the department's permanent rules. The department has initiated rulemaking proceedings and held a hearing on the amendments. Permanent adoption of the amendments will be filed on July 28, 2009 and will become effective 31 days after filing.

Date adopted: July 27, 2009

NAME (TYPE OR PRINT)

Robert W. Gore

SIGNATURE

TITLE

Deputy Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: July 27, 2009

TIME: 1:37 PM

WSR 09-16-031

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>2</u>	Amended	<u>25</u>	Repealed	<u>1</u>

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 16-170 WAC

SPECIAL ((TEMPORARY)) PERMITS FOR SLAUGHTERING ((PASTURED CHICKENS)) POULTRY

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-010 What is the purpose of this chapter? The purpose of this chapter is to implement chapter ((397, Laws of 2003)) 69.07 RCW by establishing rules ((regulating)) relating to the:

(1) Issuance of special ((temporary)) permits regulating the slaughter, preparation and sale of one thousand or fewer whole raw ((pastured chickens)) poultry in a calendar year by the agricultural producer ((of those chickens)) when the ((chickens)) poultry are sold directly to the ultimate consumer at the producer's farm.

(2) Conditions under which ((the pastured chickens)) poultry identified in this ((section)) chapter are slaughtered, prepared and sold that are generally patterned after those established by the state board of health for temporary food service establishments under chapter 246-215 WAC but are tailored to poultry slaughter, preparation, and sale activities.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-020 What definitions are important to this chapter? (1) In addition to the definitions contained in this section, definitions found in chapters 69.04 and 69.07 RCW, chapter 246-215 WAC and Title 21 CFR may apply.

(2) For the purposes of this chapter, the following definitions apply:

"**Adequate**" means that which is needed to accomplish the intended purpose in keeping with good public health practices.

"**Agricultural producer**" means a person or persons who raise ((pastured chickens)) poultry and who slaughter and sell one thousand or fewer ((of the chickens)) whole raw poultry from their

farm directly to the ultimate consumer.

"Authorized person" means a person or persons who work with the agricultural producer in the preparation and slaughter of ~~((pastured chickens))~~ poultry under this chapter.

~~((("Chicken" means the species Gallus domesticus.))~~

"Department" means the Washington state department of agriculture (WSDA).

"Director" means the director of the WSDA.

~~((("Pastured chicken" means a chicken that has lived on pasture, range, or ground covered with vegetation that is suitable for grazing, during at least half the life span of the animal.))~~

"Potable water" means water that is(~~(-~~

~~(a) Safe and sanitary;~~

~~(b) Free from coliform; and~~

~~(c) From an approved and monitored source))~~ in compliance with chapter 16-165 WAC and with the Washington state department of health's drinking water quality standards in chapters 246-290 and 246-291 WAC.

"Poultry" means domesticated fowl that is valued for its meat or eggs such as chickens, turkeys, ducks or geese.

"Sanitize" means to adequately treat ~~((chicken))~~ poultry slaughtering, preparation and sale surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the whole raw ~~((chicken))~~ poultry or its safety for the consumer.

~~((("Temporary)) Special permit"~~ means a permit to slaughter ~~((chickens covered by this chapter, which is valid for the calendar year for which it is))~~ poultry issued under RCW 69.07.103. The permit expires on December 31st and is issued for either one or two years as requested by the permit applicant.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-030 Who is required to obtain a ~~((temporary))~~ special permit to slaughter, prepare and sell ~~((pastured chickens))~~ poultry? ~~((If you are))~~ An agricultural producer of ~~((pastured chickens))~~ poultry who slaughters and prepares one thousand or fewer ~~((pastured chickens))~~ poultry in a calendar year and sells ~~((those chickens))~~ the poultry as whole raw ~~((chickens))~~ poultry from ~~((your))~~ their farm to the ultimate consumer, ~~((you))~~ must obtain a ~~((temporary))~~ special permit before ~~((you))~~ slaughter of the poultry.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-035 How can I obtain a ~~((temporary))~~ special permit? (1) ~~((You can request))~~ An application for a ~~((temporary))~~ special permit may be obtained by:

Writing to:

Washington State Department of Agriculture

Food Safety Program

P.O. Box 42560

Olympia, WA 98504-2560; or

Calling 360-902-1876; or

Faxing to 360-902-2087; or

Accessing web site <http://agr.wa.gov>.

(2) The department must receive ~~((your))~~ the completed special permit application packet along with check or money order for ~~((seventy-five dollars))~~ the permit fee at least six weeks ~~((before you plan to))~~ prior to the planned slaughter ~~((chickens))~~ of poultry. In accordance with RCW 69.07.103(4), the fee for the special permit is seventy-five dollars for one year, or one hundred twenty-five dollars for two years.

~~((Your))~~ (3) The special permit application packet must include:

(a) A completed application form;

(b) A diagram of ~~((your))~~ the slaughter/preparation site;

(c) A description of ~~((your))~~ the processing steps or a process flow diagram;

(d) The proposed days or dates of slaughter for the current year;

(e) A description of ~~((your))~~ the rinse water and offal disposal procedures; and

(f) Documentation verifying that the water ~~((you use))~~ used at ~~((your))~~ the slaughter/preparation site complies with the requirements in WAC 16-170-155. If the well, spring or other private water supply, the water must have a passing bacterial test conducted within sixty days of submitting the application to the department. A copy of the test results must be attached to the special permit application.

~~((+3+))~~ (4) Once WSDA receives ~~((your))~~ the special permit application, ~~((you))~~ the applicant will be contacted ~~((for))~~ to schedule an on-site inspection. The inspection must occur before ~~((your))~~ the special ~~((temporary))~~ permit can be further processed or issued.

~~((+4+))~~ (5) Once received, ~~((your))~~ the special permit must be prominently and conspicuously posted at ~~((your))~~ the slaughter ~~((facility))~~ site so ~~((your))~~ customers ~~((can))~~ are able to see it.

~~((+5+ You are prohibited from))~~ (6) Slaughtering, preparing and selling ~~((chickens))~~ poultry regulated by this chapter ~~((until you receive your))~~ is prohibited prior to receipt of the special ~~((temporary))~~ permit.

NEW SECTION

WAC 16-170-036 What other information must I submit to the department if I am issued a two-year special permit? A two-year special permit holder must submit to the department the following information at least six weeks prior to slaughtering poultry during the second year of the permit:

- (1) The proposed second year days or dates of slaughter; and
- (2) If the site utilized a well, spring or other private water supply, a copy of a passing bacterial test conducted within sixty days prior to submitting the second year slaughter dates to the department.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-037 What type of slaughter/preparation site diagram is required? (1) ((Your)) The site diagram must clearly show the location of all poultry slaughter and preparation equipment, contact work surfaces, chilling equipment, equipment washing and sanitizing sinks or tubs, handwashing areas, rinse water and offal collection areas and ((chicken)) poultry rearing areas.

(2) ((Everything)) All items illustrated on ((your)) the site diagram under subsection (1) of this section must be clearly labeled.

NEW SECTION

WAC 16-170-041 Must I reapply for a special permit if there is a change in the conditions under which my two-year special permit was issued? (1) If a significant change in the conditions under which the two-year special permit is issued, you must reapply for a special permit under WAC 16-170-035. Significant change under this section means a substantial change in the information previously submitted to the department under WAC 16-170-035.

(2) If the special permit holder was issued a two-year special permit and must reapply for a permit under this section, the department will apply fifty dollars of the two-year permit fee towards the new permit application fee.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-050 Must I notify the department before I change the dates I plan to slaughter my ~~((chickens))~~ poultry? ~~((If you wish to))~~ The department must be notified at least one week in advance if slaughter ((pastured chickens)) of poultry regulated by this chapter is planned on dates other than those ((requested in your application, you must notify)) previously reported to the department. The department may be notified by mail, e-mail, fax, or by telephone ((with)) followed by a written confirmation ((at least one week before you slaughter any chickens regulated by this chapter)).

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-060 What happens when I reach the one thousand ~~((chicken))~~ poultry limit in the statute? ~~((When you have slaughtered and sold one thousand whole raw pastured chickens to ultimate consumers from your farm in a calendar year, you no longer qualify for a temporary special permit for the remainder of the calendar year.))~~ The special permit issued under this chapter provides for the slaughter of a total of one thousand or fewer whole raw poultry to the ultimate consumer. Agricultural producers who slaughter more than one thousand ((chickens)) poultry in a calendar year must comply with the requirements of chapter 69.07 RCW.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-070 What are the site requirements for slaughtering, preparing and selling ~~((chickens))~~ poultry covered by this chapter? At a minimum, ~~((your))~~ the poultry slaughter/preparation site must:

- (1) Be constructed or assembled to minimize insects, pests, birds, dust, mud and overhead contamination;
- (2) Include adequate lighting to illuminate the areas where ~~((chickens))~~ poultry are slaughtered, prepared and sold;
- (3) Have an adequate handwashing station;
- (4) Be readily accessible to a toilet facility;
- (5) Include potable running water;
- (6) Include a means of safely disposing of rinse water and

offal; and

(7) Means of properly cooling slaughtered (~~((chickens))~~) poultry unless the customer takes possession within four hours.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-075 What requirements apply to the equipment used to slaughter, prepare and sell (~~((chickens))~~) poultry covered by this chapter? All equipment used to slaughter, prepare and sell poultry must be readily cleanable and in good repair.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-080 Can a mobile processing unit be used to slaughter, prepare and sell (~~((pastured chickens))~~) poultry covered by this chapter? If the mobile processing unit (MPU) is a self-contained processing unit that meets all of the conditions designed for the sanitary processing of (~~((chickens))~~) poultry under this chapter, a MPU may be used.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-090 Who can be in my poultry slaughter site while the slaughter-preparation process is taking place? (1) Only authorized persons (~~((can be in your))~~) may be present in the poultry slaughter site while the slaughter-preparation process is taking place. Unauthorized persons must be kept out of the site.

(2) Any authorized person infected with a communicable disease, has open sores or infected cuts on hands, is vomiting or has diarrhea is prohibited from working in (~~((your))~~) the poultry slaughter site.

(3) Authorized persons are prohibited from smoking, eating or drinking while in (~~((your))~~) the poultry slaughter site.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-100 Must I wear protective clothing while slaughtering, processing and selling ~~((pastured chickens))~~ poultry covered by this chapter? ~~((+1+))~~ Anyone slaughtering, preparing and selling ~~((pastured chickens))~~ poultry covered by this chapter must:

~~((+a+))~~ (1) Wear clean and adequate clothing.

"Clean and adequate" means that the clothing must be:

~~((+i+))~~ (a) Clean at the start of the slaughter-preparation-sale process; and

~~((+ii+))~~ (b) Changed when the clothing becomes soiled when contamination of the raw whole ~~((chicken))~~ poultry, any process work surface, the equipment used to chill slaughtered ~~((chickens))~~ poultry or the bags used to transport ~~((chickens))~~ poultry that are sold becomes imminent; and

~~((+iii+))~~ (c) Suitable to the specific part of the process (slaughter, preparation or sale) ~~((in which you are engaged))~~.

~~((+b+))~~ (2) Remove hand jewelry that cannot be adequately sanitized during periods when carcasses are handled by hand. If such hand jewelry cannot be removed, impermeable or disposable gloves must be worn.

~~((+c+))~~ (3) Maintain gloves, if they are used in processing, in an intact, clean, and sanitary condition. The gloves should be of an impermeable material.

~~((+2+))~~ (4) Clean and effective hair restraints, such as hairnets or beard nets are not required, but hats, caps, scarves or other head covers are recommended to prevent contamination of the whole raw ~~((chickens))~~ poultry being slaughtered, prepared and sold.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-110 Can I store personal garments and belongings in my poultry slaughter site? All personal garments and belongings must be stored separately and apart from ~~((your))~~ the poultry slaughter site to ensure that they do not become a source of contamination to the raw whole ~~((chickens))~~ poultry, slaughter and preparation work surfaces and equipment, and the bags used to transport ~~((chickens))~~ poultry that are sold.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-115 Can I store detergents, sanitizers and other materials in my poultry slaughter site? (1) ~~((You can store))~~ Commercially purchased detergents, sanitizers and other materials related to the process may be stored in ~~((your))~~ the poultry slaughter site if they are properly labeled with:

- (a) Product name;
- (b) Chemical description;
- (c) Directions for use;
- (d) Any required precautionary and warning statements;
- (e) First-aid instructions;
- (f) Name and address of the manufacturer or distributor; and
- (g) Any other information required by the U.S. Environmental Protection Agency or other laws or rules.

(2) ~~((You can store))~~ Small "transport" or "use" containers containing detergents, sanitizers or other materials may be stored in ~~((your))~~ the slaughter site but only under the following conditions:

- (a) The contents must be properly identified on the container. Labeling the container with the common name is acceptable if the original commercially purchased storage container is on hand and properly identified.

- (b) Food containers must not be used as containers for detergents, sanitizers or toxic materials.

- (c) Containers used for detergents, sanitizers or other materials must not be used as food containers.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-120 Must I wash my hands before slaughtering ((chickens)) poultry? (1) ~~((You))~~ Anyone involved in the poultry slaughter process must adequately wash ((your)) their hands:

- (a) Before ~~((you begin))~~ the poultry slaughtering process begins;

- (b) Between the slaughtering and preparation steps in the process;

- (c) Between the poultry preparation and sale steps in the process;

- (d) After each absence from the poultry slaughter ~~((facility))~~ site; and

- (e) Any time ~~((your))~~ hands become contaminated.

(2) "Adequately washing ~~((your))~~ hands" means thoroughly washing ~~((your))~~ hands to prevent contaminating ~~((your))~~ the slaughtered ((chickens)) poultry. Adequate handwashing methods consist of:

- (a) Applying soap to ((your)) hands;
- (b) Using warm water;
- (c) Scrubbing your hands thoroughly; and
- (d) Using methods to rinse and dry ((your)) hands that prevent contamination.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-125 Are handwashing stations required at my ((chicken)) poultry slaughter site? (1) Anyone involved in ((your chicken)) the poultry slaughter process must have access to at least one handwashing station equipped with warm running water, hand soap, and paper towels.

(2) Handwashing stations must be conveniently located in ((your)) the poultry slaughter site and near ((your)) toilet facilities.

(3) If handwashing stations are not conveniently located in ((your)) the poultry slaughter site and near ((your)) toilet facilities, five-gallon insulated containers with continuous flow spigots filled with warm water between one hundred and one hundred and twenty degrees Fahrenheit with pump type liquid soap, paper towels and five-gallon buckets to catch rinse water are required on-site and near ((your)) the toilet facilities.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-130 Can I use hand dips at my ((chicken)) poultry slaughter site? (1) "Hand dips" or "hand sanitizing stations" are recommended but not required in ((your chicken)) the poultry slaughter site. Sanitizing ((your)) hands using hand dips or hand sanitizing stations is not a substitute for adequate handwashing methods. ((+2)) However, if ((you use)) hand dips are used, they must be properly positioned and maintained.

((+3)) (2) "Properly maintained" means sanitizing solutions are:

(a) Checked and recharged to a strength equal to 100 PPM chlorine or 25 PPM iodine; and

(b) Changed every four hours while in use.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-135 Do I need a toilet near my ((chicken)) poultry slaughter site? (1) At least one toilet must be available and conveniently located at ((your chicken)) the poultry slaughter site.

(2) A domestic toilet is sufficient if ((your)) the poultry slaughter operation is a family operation where only family members are employed. However, if ((you have)) the operation has employees, ((you must provide)) toilet facilities must be provided at ((your)) the slaughtering site or ((allow your)) employees must be allowed to use ((your)) the domestic toilet.

(3) Portable chemical toilets may be used at the poultry slaughter site if they are conveniently located with a self-closing door, screened to exclude insects, and properly maintained.

(4) All nondomestic toilet areas must be kept clean, free of trash and litter, and in good repair. All doors used to enter the nondomestic toilet area must be self-closing and must not open directly into ((your)) the poultry slaughter site.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-140 What offal and rinse water disposal requirements apply to my ((chicken)) poultry slaughter site? ((Your chicken)) The poultry slaughter site must be designed and maintained to ensure that the:

(1) Offal and rinse water the site generates are readily and safely removed; and

(2) Offal and rinse water do not create an unsanitary condition or contaminate:

(a) The raw whole ((chickens that you slaughter)) poultry;

(b) Any potable water stored and used at ((your)) the slaughter site;

(c) Any product contact surfaces at ((your)) the slaughter site; or

(d) Any bags used to package raw whole ((chickens)) poultry sold to ((your)) the ultimate consumers.

(3) ((Your)) The rinse water disposal system must not allow any backflow from or cross connection between the piping that discharges rinse water and the piping that carries potable water to the ((chicken)) poultry slaughter area.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-145 How do I store my ((~~chicken~~)) poultry slaughter equipment and utensils to prevent contamination? (1) All of ((~~your chicken~~)) the poultry slaughter equipment and utensils must be stored so they will not become contaminated between uses.

(2) All utensils used to slaughter and prepare ((~~chickens~~)) poultry, such as knives, scrapers, scoops, shovels, cutters, and other hand tools and equipment, must be placed or stored to prevent contact surfaces from being contaminated.

(3) Contaminated equipment and utensils must be cleaned and sanitized before they are used again.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-150 How do I ensure that my ((~~chicken~~)) poultry slaughter contact surfaces are clean and maintained in a sanitary condition? (1) All contact surfaces of equipment, utensils, containers and other articles used in the slaughter and preparation of ((~~chickens~~)) poultry, must be kept free of any residue or contaminant that could contaminate or adulterate (as defined in RCW 69.04.210), the raw whole ((~~chicken~~)) poultry carcass.

(2) Residues and contaminants must frequently be removed from all slaughter and preparation contact surfaces to prevent the residues from becoming:

(a) Unwholesome or unfit for the raw whole ((~~chicken~~)) poultry carcass;

(b) Decomposed, filthy, or putrid; or

(c) Injurious to public health.

(3) All poultry slaughter and preparation contact surfaces must be sanitized:

(a) Before they are used; and

(b) After they are cleaned.

(4) ((~~You must keep~~)) A separate bucket of sanitizer must be kept in ((your)) the poultry slaughter site for rinsing/storing the wipe down cloths used to sanitize all slaughter equipment and slaughter/preparation contact surfaces. The sanitizing solution in the bucket should be at a minimum 100 ppm (mg/L) for chlorine solution or 50 ppm (mg/L) for iodine solution.

(5) Any noncarcass contact surfaces of equipment used in the slaughter of ((~~chickens~~)) poultry must be kept reasonably free of dirt, old slaughter/preparation residues, foreign material, dust, mold, mildew, slime and other accumulations that occur as a result of the slaughter/preparation operation.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-155 What requirements apply to the water used in my poultry slaughter site? (1) Any water ~~((you use))~~ used in the slaughter, preparation or sale of your ~~((chickens))~~ poultry must be of a safe and sanitary quality, which means the water supply is potable from an approved source and is monitored according to applicable laws and rules.

(2) Processors that operate from single-family residences on private water supplies need only meet bacteriological testing requirements. Optionally, potable water may be hauled onto the poultry slaughter site for use by the processor as long as the transport vehicle and water are of safe and sanitary quality.

(3) Water used from a private water system for the slaughter, preparation or sale of poultry must be sampled and tested at least annually. Copies of ~~((your))~~ water test reports must be on file at ~~((your))~~ the farm and available for review by WSDA during routine slaughter site inspections.

(4) Any ice ~~((you manufacture))~~ manufactured on ~~((your))~~ the farm for use in ~~((your))~~ the poultry slaughter process must be manufactured from potable water.

(5) All ice used at the poultry slaughter site that ~~((you do))~~ is not ~~((manufacture))~~ manufactured on the farm must be from an approved source.

(6) All ice ~~((that you use))~~ used at ~~((your chicken))~~ the poultry slaughter site must be properly handled and stored to protect against contamination.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-170 What requirements apply to the storing and handling of the bags I give my customers to transport the ~~((chickens))~~ poultry they purchase from me? (1) All bags ~~((that you use))~~ used to package the slaughtered whole ~~((chickens that you sell to your customers))~~ poultry must be new, of food grade quality and properly handled and stored, which means they must be protected from potential sources of contamination when they are handled and stored.

(2) Methods of properly handling and storing ~~((your))~~ bags at ~~((your))~~ the poultry slaughter site include, but are not limited to:

(a) All bags must be stored off of the floor or any other unsanitary surfaces.

(b) All bags must be stored in closed boxes or cartons before they are used.

(c) Bags must be removed from the closed box or carton in a

way that prevents contamination.

(d) When a slaughtered whole ((~~chicken~~)) poultry is inserted into a bag, the bag must be handled so it and the ((~~chicken are~~)) poultry is not exposed to contamination by dust, foreign material or other contaminants.

(e) Any bag dropped on the floor or some other unsanitary surface must not be used.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-175 What requirements apply to the chilling and storing of slaughtered ((~~chickens~~)) poultry? (1) All slaughtered ((~~chickens~~)) poultry must be chilled to a temperature at or below forty-five degrees Fahrenheit within four hours of slaughter unless the customer takes possession of the slaughtered ((~~chickens~~)) poultry during this time.

(2) Chilling poultry may be accomplished through the use of mechanical refrigeration, an ice chest using ice from an approved source (see WAC 16-170-155), or by being immersed in cold running water.

(3) A temperature control (TC) must be used to monitor slaughter cool down temperature by inserting a calibrated thermometer into the thickest portion of the first slaughtered poultry carcass and monitoring the temperature to ensure proper chilling at or below forty-five degrees Fahrenheit within four hours of slaughter.

(4)(a) Slaughtered ((~~chickens~~)) poultry can be stored for up to forty-eight hours before they are sold.

(b) During their storage period, ((~~chicken~~)) poultry carcass temperatures must be kept at or less than forty-five degrees Fahrenheit by mechanical refrigeration equipped with a thermometer or by maintaining the carcasses in a properly designed storage container with the use of a temperature control (TC) as outlined in subsection (3) of this section.

(5) All chilled and/or stored ((~~chicken~~)) poultry carcasses must be protected from physical, chemical, microbial contamination and deterioration.

AMENDATORY SECTION (Amending WSR 04-08-062, filed 4/5/04, effective 5/6/04)

WAC 16-170-180 What recordkeeping requirements apply to my ((~~temporary~~)) special permit ((~~chicken~~)) poultry slaughter

operation? (1) At a minimum, (~~you must keep~~) the following records must be kept at (~~your~~) the special permit holder's farm:

(a) (~~Your chicken~~) A record of the poultry slaughter dates;
(b) The number of (~~chickens~~) poultry by species slaughtered on each slaughter date and the cumulative total of (~~chickens~~) poultry by species slaughtered;

(c) The temperature control log monitoring proper (~~chicken~~) poultry slaughter cool down and storage; and

(d) The water testing records if required by WAC 16-170-155.

(2) All records required under subsection (1) of this section must be:

(a) Maintained so that the information they intend to convey is clear and understandable.

(~~(3) All records must be~~) (b) Available at (~~your~~) the farm and available to department inspectors upon request.

(~~(4) All records must be~~) (c) Retained at the farm for six months after the expiration of the special permit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-170-040

How long is my temporary special permit valid?